

### **REMARKS**

Reconsideration and allowance in view of the foregoing amendment and the following remarks are respectfully requested. Claims 43-46 have been amended without prejudice or disclaimer.

#### **Objection to Claims 45-46**

The Office Action objects claims 45-46 because of informalities. Applicants have amended claims 45-46 to appropriately recite their dependency.

#### **Rejection of Claims 43-48 Under 35 U.S.C. §101**

The Office Action rejects claims 43-48 under 35 U.S.C. §101 because it is directed to non-statutory subject matter. Applicants have amended claims 43-48 to recite a computer-implemented method wherein the method performs at least one of the recited steps via a processor. Accordingly, Applicants submit that this ties the claims to another statutory category and overcomes this rejection.

#### **Rejection of Claims 43-44 and 46-48 Under 35 U.S.C. §102(e)**

The Office Action rejects claims 43-44 and 46-48 under 35 U.S.C. §102(e) as being anticipated by Gever et al. (U.S. Patent No. 6,329,994) ("Gever et al."). Applicants have made minor amendments to the claims and respectfully submit that this reference fails to teach each limitation of the claims.

Applicants focus on the limitation of the choice of which animated entity to deliver respective portions of a message being effected by the insertion in the text message of an indicator associated with the chosen animated entity. Applicants submit that the Office Action focuses on Figures 8, 9A and 9B. Here, there is a host character 160 that interviews character 164 based on a script shown in field 154. They disclose a developed script and the analysis equates the tag that indicates the name of the animated entity chosen to deliver the portion of the text as being the equivalent of the indication recited in the claims. Applicants have amended the

claims to recite a non-text indicator that is inserted in the text message. Applicants note that clearly the field with the script is meant to include a textual indication (i.e., “Jan”) of who is speaking. This indicator of “Jan” is further not “inserted into the text message” but is outside of the text.

Next, we also have amended the independent claims to recite that the text message is an email message. We note that Gever et al. fail to teach this approach and instead focus on simply computer animation with no sender and no recipient of an email message. Applicants respectfully submit that the smart objects disclosed in the reference are not taught as being sent as part of an email message to a recipient. Accordingly, for these several reasons, Applicants respectfully submit that claims 43 and 44 are patentable and in condition for allowance.

Claims 45-48 each depend from claims 43 or 44 and recite further limitations therefrom. Accordingly, Applicants submit that these claims are patentable and in condition for allowance as well.

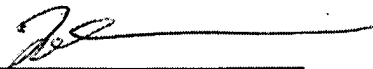
**Rejection of Claim 45 Under 35 U.S.C. §103(a)**

The Office Action rejects claim 45 under 35 U.S.C. §103(a) as being unpatentable over Gever et al. in further view of Rosenblatt et al. (U.S. Patent No. 6,453,294) (“Rosenblatt et al.”). Claim 45 depends from allowable claim 44 and therefore Applicants submit that this claim is patentable and in condition for allowance.

**CONCLUSION**

Having addressed all rejections and objections, Applicants respectfully submit that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited. If necessary, the Commissioner for Patents is authorized to charge or credit the **Novak, Druce & Quigg, LLP, Account No. 14-1437** for any deficiency or overpayment.

Respectfully submitted,

By: 

Date: April 27, 2009

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